



PUBLIC NOTICE

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Wireless Telecommunications Bureau Announces February 1, 2006, as the Implementation Date of the Automated Feature in its Universal Licensing System That Identifies Unconstructed Stations Resulting in Automatic Termination of Licenses

On January 21, 2005, the Wireless Telecommunications Bureau (Bureau) issued a Public Notice (*January Public Notice*) announcing that it had initiated the development of an automated feature in its Universal Licensing System (ULS) for all Wireless Services¹ that will identify those licenses, locations or frequencies for which a timely notice of construction or a request for an extension of the construction or coverage period has not been filed by the required deadline.² Where the Wireless Service includes construction or coverage requirements and the licensee fails to submit a notice of construction or request for an extension in a timely manner, ULS will both notify the licensee that its license, location or frequency has automatically terminated and will list the license, location or frequency on a weekly public notice as automatically terminated.³

The Bureau also stated in the *January Public Notice* that it anticipated implementing this automated feature in June 2005,⁴ but later postponed the implementation of the ULS automated termination feature until Fall 2005, allowing additional time for licensees to submit late-filed construction notifications along with requests for waiver of the notification deadline.⁵ The Fall implementation date, however, was scheduled to take place in the midst of the terrible destruction of Hurricanes Katrina, Rita and Wilma. In response to the devastation, the Commission extended, among other things, construction deadlines for several wireless services. The construction deadlines for licensees affected by the third hurricane, Wilma, were extended to December 22, 2005.⁶ The process adopted under these extensions

¹ Wireless Services are listed in Section 1.901 of the Commission's Rules, and include certain services under Parts 13, 20, 22, 24, 27, 74 (Subparts D, E, F, and H), 80, 87, 90, 95, 97, and 101 of Title 47. *See* 47 C.F.R. § 1.901.

² Wireless Telecommunications Bureau to Enhance its Universal Licensing System to More Accurately Reflect Termination of Unconstructed Licenses, *Public Notice*, DA 05-137 (rel. Jan. 21, 2005).

³ The January 21, 2005 Public Notice describes in detail the complete ULS process that would lead to the automatic termination of a license, location or frequency in ULS. *January Public Notice* at 1-2.

⁴ *January Public Notice* at 1.

⁵ Wireless Telecommunications Bureau Postpones Until Fall 2005 Implementation of the Automated Feature in its Universal Licensing System That Identifies Unconstructed Stations Resulting in Automatic Termination of Licenses And Announces a New License Search on Build-Out Deadlines, *Public Notice*, DA 05-1362 (rel. May 25, 2005) (*May Public Notice*).

⁶ Wireless Telecommunications Bureau Announces Extension of Filing and Regulatory Deadlines for Wireless Licensees in Areas Impacted by Hurricane Wilma, *Public Notice*, DA 05-2778 (rel. Oct. 25, 2005). Extending Filing and Regulatory Deadlines for Wireless Licensees in Areas Impacted by Hurricanes Katrina and Rita; The

relies on affected licensees themselves certifying that the deadlines cannot be met within the time otherwise provided in the Commission's rules because of the hurricanes. As a result, in many cases, the Commission could not identify in advance which licensees would be entitled to relief.⁷ Because not all licensees could be identified in advance of issuing its construction deadline extensions and out of concern that further extensions related to the effects from these hurricanes might be required, the Commission also decided to extend implementation of the ULS Automated Termination process to allow enough time to prevent inadvertent termination of licenses that qualify for the extended deadlines. For these reasons, the Bureau will implement its ULS Automated Termination process on February 1, 2006.

Because we are going to deploy this automated feature beginning February 1, 2006, we take this opportunity to remind licensees to file their construction notifications and, where appropriate, requests for extensions of construction deadlines in a timely manner. We again encourage licensees that have met their construction deadlines, but have not yet submitted construction notifications to use the additional time to submit the required notifications along with a request for waiver. Specifically, licensees that have met their construction or coverage requirement in a timely manner, but have failed to submit the required notifications should file an FCC Form 601, Schedule K, together with a request for waiver of the rule section that requires timely filing of the notice.⁸ Finally, we encourage every licensee to review and, to the extent necessary, update its administration information in ULS, such as the address of record, contact information, telephone number, and e-mail address for each station license by filing an FCC Form 601. In addition to this Public Notice, the Bureau will soon release another public notice outlining in detail the procedures involved under this Automated Termination feature in ULS.

For information on construction or coverage requirements or how to file a notice of construction or a request for an extension of time, visit the Web at <http://wireless.fcc.gov/licensing/const-req>. Have a question? Visit the Web at <http://esupport.fcc.gov> or call the FCC Support Center at (877) 480-3201; TTY (717) 338-2824 and select Option 2, Forms or Licensing Assistance. Hours for the FCC Support Center are from 8:00 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

Wireless Telecommunications Bureau Clarifies Universal Licensing System Filing Procedures, *Public Notice*, DA 05-2744 at 1 (rel. Oct. 21, 2005) (*Hurricane Clarification PN*) (citing Wireless Telecommunications Bureau Announces Extension of Filing and Regulatory Deadlines for Wireless Licensees in Areas Impacted by Hurricane Katrina, *Public Notice*, DA 05-2406 (rel. Sept. 1, 2005); Wireless Telecommunications Bureau Announces Extension of Filing and Regulatory Deadlines for Wireless Licensees in Areas Impacted by Hurricane Rita, *Public Notice*, DA 05-2406 (rel. Sept. 1, 2005)).

⁷ *Hurricane Clarification PN* at 2. In the context of the extension public notices, the term *affected* licensees includes those licensees and applicants that not only operate facilities in the affected states, but also those licensees or applicants that in a significant manner essential to the business operation, rely on personnel, records, or financial institutions located in the affected states to provide services or to conduct substantial business activities with the Commission. *Id.* at 1. As a result, in the latter situation, the Bureau cannot update ULS in advance to reflect the new deadlines for affected licensees. It must rely on licensee certification. *Id.* at 2.

⁸ As we have stated in the *January Public Notice*, one of the Bureau's primary objectives prior to implementing the ULS automated termination program is to allow adequate time for outreach to the public to provide additional information about the automatic termination process. As part of that outreach, the Bureau stated that licensees that have met their construction or coverage requirement in a timely manner, but have failed to submit the required notifications, should file an FCC Form 601, Schedule K, together with a request for waiver of the rule section that requires timely filing of the notice. *January Public Notice* at 2-3; 47 C.F.R. § 1.946(d). In the *May Public Notice*, we further encouraged licensees that had not yet submitted construction notifications to use the additional time to submit the required notifications along with a request for waiver. *May Public Notice* at 1.